

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
AVIDYNE CORPORATION, a	)	
Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-11098 GAO
	)	
L-3 COMMUNICATIONS AVIONICS	)	
SYSTEMS, INC., f/k/a B.F. GOODRICH	)	
AVIONICS SYSTEMS, INC., a	)	
Delaware corporation,	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION  
FOR LEAVE TO REPLY IN SUPPORT OF EMERGENCY  
MOTION TO MODIFY SCHEDULING ORDER**

Defendant, L-3 Communications Avionics systems, Inc. ("L-3 Avionics"), opposes the motion of plaintiff, Avidyne Corporation, ("Avidyne"), for leave to reply in support of their emergency motion to modify the Scheduling Order for the following reasons:

1. There is no emergency. The issues raised by Avidyne can be fully and most economically dealt with at the Scheduling Conference now set for September 11, 2006.
2. Avidyne's instant motion invites excessive and unnecessary motion practice that would burden the Court with the reiteration of arguments that have already been fully articulated and briefed.<sup>1</sup>

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<sup>1</sup> Indeed, Avidyne's instant motion is novel in only one respect: By omitting any reference to the Joint Statement Pursuant to Expense and Reduction Plan, Avidyne seems to advance the position that it can ignore and not honor agreements made by counsel during the course of the litigation.

**CONCLUSION**

For the foregoing reasons, and the reasons enunciated in Defendant's Opposition to Plaintiff's Motion to Modify Scheduling Order, we respectfully request that Plaintiff's instant motion be denied and that all matters raised be addressed at the September 11, 2006 Scheduling Conference.

Dated: August 25, 2006

Respectfully submitted,

L-3 COMMUNICATIONS AVIONICS  
SYSTEMS, INC.

By its attorneys,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 25, 2006.

/s/Kathleen A. Kelley

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